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## **COPING WITH NEO-NOMADIC MOBILITY: FRONTEX'S AGENT POWER IN THE EU'S EXTENDED BORDERLAND**

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### **ABSTRACT**

Migration movements to Europe, triggered by dramatic political and social developments in North Africa and the Middle East, have contributed to a decrease in the level of security in the European Union and to the crisis of this organisation. This article addresses the issue of migration in the context of the phenomenon of neo-nomadism and its effects on the policies of the member states of the European Union as well as its institutions and agencies. The consequences of neo-nomadism are analysed in regard to the EU's "extended borderland" on the example of the activities of the European Border and Coast Guard Agency (Frontex) in the Central Mediterranean. Frontex's joint operations "Triton" and "Themis" serve as a useful frame of reference in examining this agency's "agent power" expressed in terms of activities concerning migratory movements in the EU's "extended borderland". The hypothesis developed in this article holds that the dynamics of mobility resulting from the specific features of neo-nomadism activates the "agent power" of entities involved in mobility and border management in two forms: inclusionary, for humanitarian reasons, and exclusionary, for the sake of security. As an agency responsible for supporting the management of the EU's external borders and implementing return policy, Frontex has concentrated its agent power on securing territory, borders and population at the expense of humanitarian search-and-rescue operations. Joint operations "Triton" and "Themis" have clearly highlighted the trend towards an exclusionary approach to migrants. Post-functionalism referring to the original conceptualisation put forward by Hooghe and Marx is the

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theoretical framework adopted in this study. The research method is qualitative, based on desk research including the analysis and interpretation of primary and secondary sources.

**Key words:** mobility, neo-nomadism, borders, European Union, Frontex

## 1. INTRODUCTION

The intense migration flows to Europe, triggered by the developments in MENA (Middle East and North Africa) countries (Arab Spring, war in Syria, ISIS expansion, chaos in Libya), have affected the European integration system and heavily contributed to the identity crisis of the European Union. As a result, it has been security that has framed all border issues and has had a tremendous impact on migration and mobility in the EU. However, the migration crisis in its essence has been a hyper-real representation of biopolitical processing triggered by wireless communication networks, transportation opportunities provided by criminal facilitators and organised search-and-rescue humanitarian activities. As a result, neo-nomadic forms of mobility mushroomed at the height of the migration crisis in 2015-2016 and prompted reactions from the European Union and its member states.

This paper stems from the assumption that neo-nomadic forms of mobility dominated the massive flow of migrants to Europe in the mid-2010s and provoked improvement of security policies and actions undertaken by the European Union and its member states during the migration crisis. One of the outcomes of the crisis was the transformation of the European Border and Coast Guard Agency (Frontex) towards a multi-purpose agent expressing its power in joint operations across the EU's extended borderland. Frontex's deployments, surveillance activities, operational assistance to national border guards and intelligence support, including criminal profiling, have manifested its aspiration, prompted by the European Commission, towards playing the role of security actor with regard to intense mobility of third-country nationals heading for the European Union.

Theoretical reflection expressed in this article is inspired by the postfunctionalist approach to the European integration proposed orig-

inally by Liesbet Hooghe and Gary Marks<sup>1</sup>. It claims that governance and politics are determined not by their functionality but by emotional resonance. Jurisdictions that people create express their national, regional, and local identities<sup>2</sup>. The premise of postfunctionalism is that politicisation leads to constraining dissensus which limits governance by producing a mismatch of functionally efficient and politically feasible solutions<sup>3</sup>. The concept of neo-nomadism, proposed and developed by Anthony D'Andrea, serves as a point of reference, critically assessed and modified for the purposes of the reported research because of a different field (security studies instead of cultural studies and ethnography) and cognitive perspective (postfunctionalism instead of poststructuralism). D'Andrea, building on Braidotti, claims that "Neo-nomadism develops as a war machine that opposes the state, unleashing forces of chromatic variation that breaks down molar formations, deteriorating identities into the smooth space of multiplicity"<sup>4</sup>. The migration crisis in the EU has provided numerous evidences of anti- and beyond-the-state activities among the neo-nomadic cohorts which have resembled exceptional conditions accompanying war (refuge, displacement, points of no-return, massive scale, variety). These phenomena aggregated along the EU's external borders in the area which may be specified as an "extended borderland". The concept of the extended borderland serves as a tool for the description and analysis of a networked system of interconnected actors, rules and resources existing in vast communication, political, economic and territorial realms, blending strict institutionalised protective and security-oriented measures at the borders with social and cultural phenom-

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<sup>1</sup> Liesbet Hooghe and Gary Marks, "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus", *British Journal of Political Science*, 39(2009): 1-23. DOI:10.1017/S0007123408000409.

<sup>2</sup> Liesbet Hooghe, Gary Marks, Arjan H. Schakel, Sandra Chapman Osterkat, Sara Niedzwiecki, Sarah Shair-Rosenfield, *Measuring Regional Authority: A Postfunctionalist Theory of Governance*, Volume I, Oxford: Oxford University Press, 2016, 3.

<sup>3</sup> See remarks by Frank Schimmelfennig, "European Integration in the Euro Crisis: The Limits of Postfunctionalism", *Journal of European Integration*, 36(2014): 321-322. DOI:10.1080/07036337.2014.886399.

<sup>4</sup> Anthony D'Andrea, *Global Nomads. Techno and New Age as transnational countercultures in Ibiza and Goa, Abingdon and New York: Routledge*, 2007, 31.

ena determining construction of boundaries. Institutional actors present in the extended borderland have to possess special powers and capabilities to address contrasting identities and tangled itineraries. Therefore, Brunet-Jailly and Dupeyron's "agent power" concept will be employed to analyse border-security policies and actions undertaken by the European Border and Coast Guard Agency. Frontex's agent power will be tested on the example of its operational activities in the Central Mediterranean, with a particular emphasis put on two joint operations: Triton and Themis. The paper proceeds as follows: the first section discusses the theoretical and conceptual framework of neo-nomadic mobility, referring to a classical ethnographic approach, post-modernist philosophical reflection and novel interpretation offered by Anthony D'Andrea. The next part offers a glimpse on the concept of extended borderland, highlighting the element of post-functionalist identities of actors and agents active in that area. The final part begins with a brief description of theoretical bases of the term "agent power", followed by a discussion of empirical examples of activities undertaken by Frontex in the Central Mediterranean part of the EU's extended borderland.

## 2. NEO-NOMADIC MOBILITY

From the very outset of human civilisation, mobility and sedentarism have competed as dominant forms of spatial organisation of societies, and have often complemented each other. Hunters and gatherers have coexisted with herders and farmers and those experienced with sedentary agriculture. The world determined by space, movement, speed and natural environment has been the domain of mobile communities of pastoral nomads.

The role of nomadism in the early stages of human civilisation has been studied thoroughly since the groundbreaking monographic book by Anatoly M. Khazanov. Irrespective of the assumption that nomadism is identified by pastoralism, Khazanov's notable insight about indigenous mobile populations shows that "the important phenomenon of nomadism [...] really consists in its indissoluble and necessary connection with the outside world; that is to say, with societies which have different economic and so-

cial systems”<sup>5</sup>. His definition of nomadism is quite reductionist<sup>6</sup>. According to him, nomadism “embraces itinerant communities who travel from place to place, but does not include societies practising transhumance and who live in a permanent and fixed habitat”<sup>7</sup>. While Khazanov made an outstanding contribution to history, sociology and ethnography of nomadic societies, nomadism as a form of mobility was elevated to the level of a philosophical reflection by Gilles Deleuze and Félix Guattari. Their famous treatise on “nomadology”, included in the collection *Thousand Plateaus: Capitalism and Schizophrenia*<sup>8</sup>, counterposed open-ended fluctuating nomad space to the sedentary state gridded by fixed paths in a closed entrenched area. For the purpose of this article, the concepts of nomadism and “nomadology” and its inherent connection to the “war machine” are not taken into consideration. Rather, the way how Deleuze and Guattari perceive the nomad through his ties to territory/space, time, (military) force, speed and communication seems to be relevant and inspiring. The French philosophers point to the principle of territoriality, as opposed to movement, in the constitution of nomadism. They argue: “The nomad distributes himself in a smooth space, he occupies, inhabits, holds that space; that is his territorial principle. It is therefore false to define the nomad by movement”<sup>9</sup>. Therefore, territory is the physical dimension of the nomad’s movement in the non-delimited space. The topography of his routine and extraordinary paths and itineraries is determined by interconnected parameters of spatial (and temporal) orientation and positioning. Deleuze

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<sup>5</sup> Anatoly M. Khazanov, *Nomads and the Outside World*, transl. by Julia Crookenden, 2nd ed., Madison and London: The University of Wisconsin Press, 1994, 3.

<sup>6</sup> Khazanov maintained that, based on differences in economic production, only mobile extensive pastoralists can be considered as nomads; hunter-gatherers who do not lead a sedentary life are just ‘wanderers’. See Khazanov, op. cit., 15-16.

<sup>7</sup> Ibidem.

<sup>8</sup> Gilles Deleuze and Félix Guattari, *A Thousand Plateaus. Capitalism and Schizophrenia*, transl. by Brian Massumi, Minneapolis and London: University of Minnesota Press, 1987, section 12: “1227: Treatise on Nomadology:—The War Machine”, 351-423. Interestingly enough, this very same chapter, in Massumi’s translation, was published separately (and preemptively to the English edition of *Mille Plateaux*) as a small book titled *Nomadology: The War Machine*, New York and Brooklyn, NY: Semiotext(e), 1986. I will refer to the latter publication hereinafter.

<sup>9</sup> Gilles Deleuze and Félix Guattari, *Nomadology*, op. cit., 51.

and Guattari put it this way: „The nomad, nomad space, is localised and not delimited. What is both limited and limiting is striated space, the relative global: it is limited in its parts which are assigned constant directions, are oriented in relation to one another, divisible by boundaries, and may interlink; what is limiting (*limes* or wall, and no longer boundary) is this aggregate in relation to the smooth spaces it “contains,” the growth of which it slows or prevents, and which it restricts or places outside”<sup>10</sup>. Hence, according to the French philosophers, the essence of nomadism is an unstoppable presence on a territory along a trajectory which distributes people in an open space without borders. The sublime and sophisticated interpretation of nomadism offered by Deleuze and Guattari may be juxtaposed with a contemporary legal and cultural perspective presented by Jérémie Gilbert. Typically for the modern approach to nomadism, he has conceived it as a form of mobility organised around both natural determinants (territory, climate, land) and cultural prerequisites but subject to the rational choice principle and long-term strategic blueprints. According to Gilbert, “Nomadism denotes a mobile way of life organised around cyclical or seasonal patterns. Nomadism refers to groups of people who practise spatial mobility to enhance their well-being and survival. [...] While, in the past, nomadic peoples were often seen as ‘wandering’ across the lands with no specific patterns, it is now widely recognised that mobility is the result of a rational and efficient strategy for harvesting scarce resources spread unevenly across wide territories. Mobility is both a distinctive source of cultural identity and a management strategy for sustainable land use and conservation”<sup>11</sup>. Studying the legal, social and cultural status of various nomadic communities around the world, Gilbert has underlined their variety and diversity of forms, types and categories. He argues what links so many different forms of nomadism is “the idea of a cultural, social, and economic pattern of mobility from one place to another”<sup>12</sup>. Routine practices of nomadism entail mobility not only in social and economic terms but also raise the issue of migration, borders and law (domestic and international). Con-

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<sup>10</sup> Ibidem, 53-54.

<sup>11</sup> Jérémie Gilbert, *Nomadic Peoples and Human Rights*, Abingdon and New York: Routledge, 2014, 3.

<sup>12</sup> Ibidem, 5.

temporary nomadism is more a mobile residency than unrestricted wandering. Therefore, nomadic people depend on legal norms, administrative procedures and state control<sup>13</sup>. They fall under the same regulatory regimes as sedentary population changing from time to time its residence, i.e. the migrants. The question whether nomads constitute one of the categories of migrants has been widely discussed in the scholarship on nomadism. Deleuze and Guattari have clarified: “The nomad is not at all the same as the migrant; for the migrant goes principally from one point to another, even if the second point is uncertain, unforeseen, or not well localised. But the nomad goes from point to point only as a consequence and as a factual necessity; in principle, points for him are relays along a trajectory”<sup>14</sup>. For Khazanov migration was a “one-way ticket” essentially different from other forms of mobility, such as wandering, shifting, pastoral mobility, industrial mobility and mobility of peripatetic ethno-professional groups<sup>15</sup>. MacKay et al. differentiate nomads from migrants with reference to laws, regulations and jurisdiction of the modern Westphalian state. Nomads are pre-state actors, their identity originates outside the state and its territorial dimension, they avoid a formal attachment to property, location (address) and authority. Migrants, on their part, organise themselves according to national legislations and international (humanitarian) norms<sup>16</sup>. Another significant divergence concerns the “economic rationality” of mobility. Migrants tend to optimise their itineraries and calculate the overall travel costs. Their own experience and lessons shared by others, as well as historic collective memory, do matter for making the decision to activate mobility. Nomads “have no history; they only have a geography”<sup>17</sup>. Therefore, they flexibilise territory, fluctuate between different resources, natural topographic landmarks and cultural imperatives. Deleuze and Guattari observe that: “Nomadic waves or flows of deterritorialisation go from the central layer to the periphery, then from the new center to the new periphery, falling back to

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<sup>13</sup> See interesting remarks by Joseph MacKay, Jamie Levin, Gustavo de Carvalho, Kristin Cavoukian, Ross Cuthbert, “Before and after borders: The nomadic challenge to sovereign territoriality”, *International Politics*, 51(2014): 101–123. DOI:10.1057/ip.2013.24.

<sup>14</sup> *Ibidem*.

<sup>15</sup> Anatoly M. Khazanov, *op. cit.*, xxxiii.

<sup>16</sup> Joseph MacKay et al., *op. cit.*, 103–104.

<sup>17</sup> Gilles Deleuze and Félix Guattari, *Nomadology*, *op. cit.*, 73.

the old center and launching forth to the new”<sup>18</sup>. Meanwhile, migrants are, willingly or forcefully, determined to reorganise their existence in accordance with given geographical and sociocultural factors which tend to reterritorialise the migrants’ previous predominantly sedentary motivations and lifestyles. Rosi Braidotti, echoing Deleuze and Guattari, states that “global migration is a molar line of segmentation or reterritorialisation that controls access to various forms of mobility and immobility”<sup>19</sup>. Apart from the contemporary discussion on differences and similarities between migration, mobility and nomadism, a new reflection has emerged with regard to effects of globalisation, technological acceleration, cultural diffusion, spirituality and consumerism. Anthony Albert Fischer D’Andrea has introduced the concept of “neo-nomadism” as a form of a dialogue between global and critical studies concerning linkages between spatial displacement, economic strategies and modes of self-identity and subjectivity formation. Neo-nomadism resembles the traditional nomadic organisation in the usage of mobility as “a tactic of evasion from dominant sedentary apparatuses”<sup>20</sup>. Neo-nomadism is a global phenomenon driven by technological, material and cultural factors enabling to integrate mobility into economic strategies and expressive lifestyles. It reflects some outcomes of global hypermobility generating transnational flows which deterritorialize societies while inter-connecting them globally<sup>21</sup>. In D’Andrea’s conceptualisation, neo-nomadism “addresses new forms of identity that are based, not on sameness or fixity, but rather on a principle of metamorphosis (chromatic variation). In other words, neo-nomadic lifestyles, subjectivities and identities may be addressed as expressions and agents of the postidentitarian predicament of globalisation”<sup>22</sup>. Acknowledging high utility and inspirational value of

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<sup>18</sup> Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, op. cit., 53. The authors make reference to a fascinating book by Pia Laviosa-Zambotti, *Origini e diffusione della civiltà* (Milan: C. Marzorati, 1947) and her conception of waves and flows from center to periphery, and of nomadism and migrations (nomadic flows).

<sup>19</sup> Rosi Braidotti, *Nomadic theory: the portable Rosi Braidotti*, New York: Columbia University Press, 2011, 244.

<sup>20</sup> Anthony D’Andrea, *Global Nomads*, op. cit., 25.

<sup>21</sup> Anthony D’Andrea *Neo-Nomadism: A Theory of Post-Identitarian Mobility in the Global Age*, *Mobilities*, 1(2006): 97, DOI: 10.1080/17450100500489148.

<sup>22</sup> Anthony D’Andrea *Global Nomads*, op. cit., 6.



D'Andrea's reflections, this is to focus the attention on today's nomadism seen from a different angle. While D'Andrea has observed the cases of neo-nomadism as countercultural lifestyles adopted voluntarily by "expatriates-by-choice", a closer look has been taken at "migrants-by-necessity" and "refugees-by-force". Contrary to D'Andrea who points to global hubs of hypermobility and entertainment for "expressive expatriates" (such as Ibiza, Goa, Bali, Ko Pangnan, Bahia, Byron Bay, San Francisco and Pune)<sup>23</sup>, this is to point to migrant camps and detention facilities for "aliens" and displaced people (such as Aguadilla, Laredo, El Paso, Samos, Lesvos, Tripoli, Zawiya, Iğdir and Osmaniye). A valuable observation by D'Andrea deserves a special attention: "The primary determination of nomads is to occupy and hold a smooth space: it is this aspect that determines them as nomad (essence)"<sup>24</sup>. The recent experience of migrants from the Middle East, South Asia, Sub-Saharan Africa or Central America has proven this principle. Neo-nomads seek a temporary place of residence as a site of recovery, rest and humanitarian aid. Stopovers serve a better coordination and an improved communication as key elements of the migratory undertaking. Sometimes, temporary shelters are used for reconstruction of migrant itineraries and improved preparedness for a further journey. In a typical picture of global neo-nomadism, refugee camps maintained by international humanitarian organisations ensure minimal humanitarian standards of assistance and protection. Disembarkation points and hot-spots as well as immigrant camps and migrant detention facilities, established by the authorities of a transit or a host state, offer rescue and maintenance of the physical integrity of migrant travellers. They also strongly influence itinerants' identities and lifestyles, petrifying Neo-nomadic traits of their status, such as temporariness, liquidity, legal uncertainty and "mobilisation for mobility". Movement, journey and transit which lie at the heart of neo-nomadism, and which determine behaviour of many contemporary migrants, are shaped by spatial, territorial and institutional factors emerging along and across migratory routes. A confrontation of neo-nomadic practices with natural and formal impediments arises in borderlands. The following section offers an analytical insight in the concept of

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<sup>23</sup> Anthony D'Andrea, *Neo-Nomadism*, op. cit., 100.

<sup>24</sup> *Ibidem*, 101.

borderland as an area where migrant itineraries are severely affected and modified by state institutions and non-governmental actors, including international agencies which, as in the case of Frontex, seek to modify customary rules and available practices with the aim of working out synergetic interdependencies.

### 3. THE EXTENDED BORDERLAND

The concept of borderland has occupied a prominent place in history, human geography, geopolitics, cultural studies, and – quite recently – sociology, international relations and security studies. It used to be accompanied by, or juxtaposed with, such terms as frontier, border, confine, boundary, and borderline<sup>25</sup>. Being a concept used in various strands of research, having different meanings and contexts, it has resisted a uniform approach, a clear-cut definition and a syncretic connotation. As a part of border studies, it has been shaped by cultural differences, crossborder mobilities and multi-lingual descriptions and interpretations. Regional peculiarities also have mattered, addressing historical, social, economic and political processes of state formation and nation-building strongly determined by geographical location and territorial organisation. Unlike in American tradition, established by Frederick Jackson Turner and Herbert Eugene Bolton, which has highlighted the process of transformation of borderlands into a boundary between emerging nation-states<sup>26</sup>, the European concept of borderlands

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<sup>25</sup> See Jeremy Adelman, Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History”, *The American Historical Review*, 104(1989): 814-841, <https://www.jstor.org/stable/2650990>; Etienne Balibar, “Europe as borderland”, *Environment and Planning D: Society and Space*, 27(2009): 190-215. DOI:10.1068/d13008; Idem, *We, the People of Europe? Reflections on Transnational Citizenship*, transl. by James Swenson, Princeton and Oxford: Princeton University Press, 2004, 219-221; David Newman, “Borders and Bordering: Towards an Interdisciplinary Dialogue”, *European Journal of Social Theory*, 9(2006): 171–186. DOI: 10.1177/1368431006063331; Donnan Hastings, Thomas M. Wilson, *Borders. Frontiers of Identity, Nation and State*, Oxford – New York: Berg, 1999; Hilary Cunningham, Josiah Heyman, “Introduction: Mobilities and Enclosures at Borders”, *Identities*, 11(2004): 289-302. DOI: 10.1080/10702890490493509.

<sup>26</sup> Jeremy Adelman, Stephen Aron, *op. cit.*, 192-193.

is based on the constitutive relationship between territory, population, and sovereignty. Irrespective of regional specificities, borderlands refer to the geographical areas<sup>27</sup> surrounding international borders. They reflect human mobility, economic activities, cultural connections and policy-driven security concerns. They correspond to symbolic boundaries and imaginative geographies which elicit “the cross-cultural intermixing of everyday borderland life”<sup>28</sup>. They involve the issue of “the territorial exclusivity of the ‘nation’-state”<sup>29</sup> and, thereby, the administration of the territory through the control of cross-border and intra-borderland population mobility. Borderlands are constructed around and determined by borders conceived as “the physical manifestation of the sovereignty of the nation and the power of the national state to secure that nation from harm”<sup>30</sup>. Borders are the institution of the state<sup>31</sup> and belong to the structures of national security. Since borders are part of the territorial domain of the state, they come under sovereign jurisdiction of the relevant judicial institutions, as well as they are sites of security governance and law enforcement. As a result, they “are in fact arbitrary institutions, composed of other constituencies and smaller institutions, which are designed to break-up and manage the flow of items and personnel into and out of the state”<sup>32</sup>. Because of numerous factors generated by dy-

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<sup>27</sup> John Prescott applies the term “transition zone within which the boundary lies”. See: J.R.V. Prescott, *Political Frontiers and Boundaries*, London: Allen & Unwin, 1987, 5. Interestingly, Oscar J. Martínez uses the terms “border” and “borderland” interchangeably, with reference to the place or region. See Oscar J. Martínez, *Border People: Life and Society in the U.S.-Mexico Borderlands*, Tucson, AZ: University of Arizona Press, 1994, 5.

<sup>28</sup> Matthew Sparke, “Borderlands”. In: *The Dictionary of Human Geography*, ed. Derek Gregory, Ron Johnston, Geraldine Pratt, Michael J. Watts, Sarah Whatmore, 5th Edition, Chichester: Wiley-Blackwell, 2009, 53.

<sup>29</sup> Malcolm Anderson, *Frontiers. Territory and State Formation in the Modern World*, Cambridge: Polity Press, 1996, 5.

<sup>30</sup> Donnan Hastings, Thomas M. Wilson, “Ethnography, security and the ‘frontier effect’ in borderlands”. In: *Borderlands. Ethnographic Approaches to Security, Power, and Identity*, ed. Donnan Hastings, Thomas M. Wilson, Lanham, MD: University Press of America, 2010, 2.

<sup>31</sup> See remarks by Anssi Paasi in: “The Political Geography of Boundaries at the End of the Millennium: Challenges of the Deterritorializing World”. In: *Curtain of Iron and Gold: Reconstructing Borders and Scales of Interaction*, ed. Heikki Esklinen, Ilkka Liikainen, Jukka Oksa, Aldershot: Ashgate, 1999, 19-21.

<sup>32</sup> Donnan Hastings, Thomas M. Wilson, *Ethnography, security...*, op. cit., 5.

namic social, cultural and economic developments, borderlands are under stress<sup>33</sup>. Globalisation has recently become the critical factor in producing stress at borders and within borderlands. Greater mobility, worldwide communication, inter-regional transportation networks and global welfare inequalities have brought about the intensified circulation of people and goods across the borders. This presumably unstoppable phenomenon has provoked various outcomes, including negative ones, perceived as threats and long-term risks for order, stability and security of the states and their societies. It has also generated the “frontier effect” of borderlands as a result of “political actions and identifications that are dependent on the nations and states who meet, greet and contest their political futures at the limits of their sovereignty and territory, and which by their very nature can only occur in borderlands. This ‘frontier effect’ has many facets to it, but chief among them is the clear delineation of nation and state, of nationalism and statism at and across the border”<sup>34</sup>. The conceptualisation of borderlands, despite its complex theoretical bases and the increasing explanatory power, has to be confronted with new migratory phenomena in Europe, of unprecedented scale and diversity, provoking consequences for politics, security and social life in the European Union and its neighbouring regions. Security policy improvement in result of the migration crisis in Europe, especially in the face of risks and threats at the EU’s external borders, as well as anxieties and unease on cultural and mental boundaries, has called for novel approaches and concepts seeking to offer a fresh insight in the complexities of contemporary borderlands. One of such theoretical proposals, which is applied in this article, is the concept of extended borderland framed by Artur Gruszczak<sup>35</sup>. It is built on Oscar Martínez’s complex set of ‘paradigms’ highlighting dynamics and complexity of interactions and synergies of cross-border movements<sup>36</sup>.

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<sup>33</sup> See: *Borderlands under stress*, ed. Martin Pratt, Janet Allison Brown, The Hague: Kluwer Law International, 2000.

<sup>34</sup> Donnan Hastings, Thomas M. Wilson, *Ethnography, security ...*, op. cit., 10.

<sup>35</sup> Artur Gruszczak, “European Borders in Turbulent Times: The case of the Central Mediterranean ‘Extended Borderland’”, *Politeja*, 5(2017): 23–45. DOI: 10.12797/Politeja.14.2017.50.02.

<sup>36</sup> Oscar J. Martínez, “The Dynamics of Border Interaction. New Approaches to Border Analysis”. In: *Global Boundaries. World Boundaries*, ed. Clive H. Schofield, vol. 1, London–New York: Routledge, 1994, 2.

Martínez has distinguished four types of borderlands: (1) alienated, (2) co-existent, (3) interdependent, and (4) integrated<sup>37</sup>. This taxonomy has been enriched by Gruszcak who adds a fifth paradigm, that of extended borderland. It blends strict, institutionalised protective and security-oriented measures at the borders with social and cultural phenomena determining the construction of boundaries<sup>38</sup>. This division corresponds with Hassner's distinction between fixed borders and moving borderlands<sup>39</sup>. In addition, extended borderlands address the issue of "porosity" of borders in a selective way, including mechanisms of deterrence and border sealing as well as active forward presence and rapid reaction capabilities. The extended borderland is replete with a host of actors (local/national, borderland/cross-border, international and transnational) performing the whole variety of roles, functions and tasks within a given borderland. Their competences sometimes overlap, sometimes clash, which results in the emergence of a specific dense networked environment based on symbiotic coexistence. It incorporates agent power of individual ties and forces, broad social processes framing individual actions, norms and institutions (formal and informal) as well as culture and identity (self-awareness) of a borderland<sup>40</sup>. This coincides with the following observation made by Hastings and Wilson "[...] in borderlands there are processes taking place, in some cases because of the existence of borders themselves, that involve people and institutions who are in vital relationships with people and institutions of other ethnic groups and nations across the borderline (as well as with people within the state, outside the border zone)"<sup>41</sup>. The extended borderland is a self-referential (auto-poietic) system of interconnected actors, rules and resources existing in vast

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<sup>37</sup> Oscar J. Martínez, *Border People*, op. cit., 6-10.

<sup>38</sup> See Klaus Eder, "Europe's Borders. The Narrative Construction of the Boundaries of Europe", *European Journal of Social Theory*, 9(2006): 255-271. DOI: 10.1177/1368431006063345.

<sup>39</sup> Pierre Hassner, "Fixed Borders or Moving Borderlands? A New Type of Border for a New Type of Entity". In: *Europe Unbound. Enlarging and Reshaping the Boundaries of the European Union*, ed. Jan Zielonka, London-New York: Routledge, 2002.

<sup>40</sup> See Emmanuel Brunet-Jailly, Bruno Dupeyron, "Introduction. Borders, Borderlands, and Porosity". In: *Borderlands. Comparing Border Security in North America and Europe*, ed. Emmanuel Brunet-Jailly, Ottawa: University of Ottawa Press, 2007, 1.

<sup>41</sup> Donnan Hastings, Thomas M. Wilson, "Ethnography, security...", op. cit., 7.

communication, political, economic and – last but not least – territorial realms. The latter means that the boundaries of extended borderlands are not confined to a delimited territory, even if it is administratively established<sup>42</sup>. Due to the networked architecture of the extended borderland, its boundaries move beyond administrative/territorial frontiers. Spontaneous movements and diverse forms of reciprocity emerge as a consequence of synergetic connections between the actors who expect benefits of arbitration in situations of conflict or feud. The concept of the extended borderland highlights the importance of multiple actors present there, their interests and roles as well as interconnected activities undertaken with regard to overall strategy, general objectives or specific goals and selected targets. Symbiotic relationships and synergetic connections emerge in horizontal and vertical dimensions. From the first perspective, state actors seek to demonstrate institutional efficiency and political legitimacy of their administrative and policy-oriented measures through intense interactions with non-governmental organisations (NGOs), local authorities, business entities and civil rights activists. Societal actors (NGOs, civic organisations) engage in grass-root initiatives aiming to improve communication between divergent agents, distribute available resources and provide humanitarian assistance for borderlands as well as incoming “others”. Illegal operators (criminals, smugglers, fraudsters) intensify their illicit activities through the exploitation of deficits of state power, weaknesses of legal and institutional arrangements, as well as openness and helpfulness of civil society actors. In the vertical dimension, synergy is produced on state level, between state representatives in international institutions, government officials, and local civil servants seconded to the borderland. In the societal domain, a close coordination and cooperation is established among global advocacy groups, international NGOs and grass-root activists. Illegal operators build entangled undercover connections, linking petty lawbreakers and individual smugglers with local criminal networks and transnational criminal organisations involved in large-scale, global, polymorphous crime.

The dense network of interconnected and often interdependent actors is stretched across physical barriers and geographical boundaries, tending to blur divisions between territorial units and respective jurisdictions. The

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<sup>42</sup> Artur Gruszczyk, “European Borders...”, *op. cit.*, 28.

extended borderland epitomises the complex ecosystem of mobility and neo-nomadism in the era of globalisation.

#### 4. FRONTEX'S AGENT POWER: JO TRITON AND JO THEMIS

The dynamics of migration management, bordering practices and security policy improvement measures affects the actors' performance and stimulates directly the agent power of individual interactions in a borderland. The notion "agent power" has been promoted by Emmanuel Brunet-Jailly and Bruno Dupeyron in their research on borderlands. They have advanced a thesis that agent power, in its variable expressions, is a key to understand borders and borderlands in historical and contemporary perspectives<sup>43</sup>. The agency and the agent power are socially-embedded capacities to react to various situations and occurrences in such a way that helps an agent preserve identity, integrity and position. As such, the agent power reflects human activities, usually manifested in broader social processes, cultural interactions and political decisions. The human factor, noticed in humanitarian actions and vitalist endeavours, interacts with market forces, government policies, cultural flows and security measures. This is manifested in a specific way at borders, across boundaries and within borderlands. According to Brunet-Jailly and Dupeyron, "[...]borders emerge as the historically and geographically variable expressions of human ties (agent power or agency), exercised within social structures of varying force and influence. It is the interplay and interdependence between individuals' incentives to act and the surrounding structures (constructed social processes that contain and constrain individual action, such as market forces, government activities, the culture and politics of a place) that determine the effectiveness of the formal border policy, and particularly of security policies"<sup>44</sup>. The latter aspect, underlined in the above section of this article, has been crucial for the formation and development of the EU policies in the extended borderland. The agent power has been demonstrated in state actions at their external borders and within their territories, with re-

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<sup>43</sup> Emmanuel Brunet-Jailly, Bruno Dupeyron, *op. cit.*, 4.

<sup>44</sup> *Ibidem*, 1-2.

gard to secondary movements of migrants. It has also been manifested in coordinated undertakings by the European Union which activated its supranational powers and policy-making capabilities with the intention of supporting the member states in their border management efforts. The deployment of the EU officials, acting on behalf of supranational institutions and agencies, signified the projection of supranational agent power onto the contested borderland. This decision reflected Brunet-Jailly's thought that "Borders and borderlands are defined by the historically and geographically variable expression of agent power exercised within institutional structures of varying force and influence"<sup>45</sup>. The launch of several joint operations in the southern part of Europe, concentrated in coastal zones and maritime areas, may be interpreted as the exercise of surveillance powers and law enforcement capabilities in a borderland exposed to elevated risks and direct threats. Therefore, the formal status of, and powers conferred to, a EU agency in charge of preparation, implementation and monitoring of operational activities acquire a particular significance. Executive aspects of the agent power have to reflect a transparent, legitimate and legal structure of the acting institution. This is a highly relevant feature of organised activities in borderlands because, as Brunet-Jailly argues, "[...] border policies and borderland security are highly dependent on the clear identification of the specific traits of agent power exercised within each borderland in question"<sup>46</sup>.

Frontex as a EU agency in the face of extraordinary developments at the EU's external borders in the mid-2010s, described as the migration crisis, was endowed with the special agent power in order to contribute to an effective coping with neo-nomadic mobility which has penetrated the EU's extended borderland. Bearing in mind that neo-nomadism may lead to serious, sometimes far-reaching humanitarian and security consequences, Frontex's agent power is demonstrated in various forms of its activities, ranging from humanitarian aid to return interventions and

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<sup>45</sup> Emmanuel Brunet-Jailly, "Conclusion: Borders, Borderlands, and Security: European and North American Lessons and Public Policy Suggestions". In: *Borderlands: comparing border security in North America and Europe*, ed. Emmanuel Brunet-Jailly, Ottawa: University of Ottawa Press, 2007, 354.

<sup>46</sup> *Ibidem*.



border policing<sup>47</sup>. Hence, referring once again to Brunet-Jailly's conceptualisation, the agent power should be perceived and interpreted as the interplay and interdependence between individuals and institutions acting in the surrounding structures determined by border policies and security arrangements. Frontex's agent power should be seen from a dual perspective: (1) inclusionary, focused on mobility as a human (humanitarian) issue; (2) exclusionary, targeting population as interpassive security subjects<sup>48</sup>. To begin an insight into Frontex's dual agent power, it is necessary to present its normative bases and formal remits.

Frontex was established in October 2004 as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Based in Warsaw, it aimed to improve the integrated management of the external borders of the EU Member States, including research, training and risk analysis<sup>49</sup>. From the outset, Frontex has sought to combine technical assistance with operational support for national border authorities<sup>50</sup>. Therefore, it has developed certain capabilities for a substantial reinforcement of protection, control, surveillance and an effective management of the EU's external borders. These aspects of Frontex's activities were strengthened in 2016, in the midst of an unprecedented migration crisis in Europe, by the establishment of

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<sup>47</sup> Sergio Carrera, Valsamis Mitsilegas, Jennifer Allsopp, Lina Vosyliute, *Policing Humanitarianism: EU Policies Against Human Smuggling and their Impact on Civil Society*, Oxford: Hart Publishing, 2019 (Kindle edition).

<sup>48</sup> See Evelyn Ruppert, "Population Objects: Interpassive Subjects", *Sociology*, 45(2011): 218-233. DOI: 10.1177/0038038510394027. Compare Paolo Cuttitta, "Delocalization, Humanitarianism, and Human Rights: The Mediterranean Border Between Exclusion and Inclusion", *Antipode*, 50(2018): 783-803. DOI: 10.1111/anti.12337.

<sup>49</sup> Council of the European Union, "Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union", *Official Journal of the European Union*, L349(2004).

<sup>50</sup> See remarks by Anneliese Baldaccini, "Extraterritorial Border Controls in the EU: The Role of Frontex in Operations at Sea". In: *Extraterritorial Immigration Control. Legal Challenges*, ed. Bernard Ryan, Valsamis Mitsilegas, Leiden and Boston: Martinus Nijhoff Publishers, 2010, 229-255. Also: Sarah Léonard, "EU border security and migration into the European Union: FRONTEX and securitisation through practices", *European Security*, 19(2010): 231-254. DOI: 10.1080/09662839.2010.526937.

the European Border and Coast Guard (EBCG) and the transformation of Frontex into an EBCG agency<sup>51</sup>. Regulation 2016/1624 on the European Border and Coast Guard states explicitly that this agency was established in order to “ensure European integrated border management at the external borders with a view to managing the crossing of the external borders efficiently”<sup>52</sup>. It is clarified in Article 4 that European integrated border management consists of several components, including border control, search and rescue activities, return operations, risk analyses, various forms of inter-agency and international cooperation, technical and technological measures, evaluation mechanisms and funding. Moreover, a general instruction set in Article 1 tells that EBCG should address “potential future threats at [the external] borders, thereby contributing to addressing serious crime with a cross-border dimension, to ensure a high level of internal security within the Union [...]”.

Since its inception, Frontex has been involved in organisation and co-ordination of joint operations<sup>53</sup>. They have aimed at supporting one or more member states in external border management and migration enforcement. Frontex has been authorised to deploy its staff and ensure the delivery of operational resources (personnel and equipment) by member states. Assistance has been provided for border control and surveillance and for joint return operations (sending illegal non-EU citizens back to their home countries), including forced return operations, voluntary departures and readmissions. Against the background of numerous joint operations, Frontex-led activities at sea, especially in the Mediterranean

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<sup>51</sup> See Jakub Bormio, “The reform of the Frontex Agency in the view of the principal-agent model. A case study of an attempt of supranationalisation”, *Przegląd Europejski*, 3(2018):182-186. DOI: 10.5604/01.3001.0013.1961.

<sup>52</sup> European Parliament and the Council of the European Union, “Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC”, *Official Journal of the European Union*, L251(2016).

<sup>53</sup> In 2006, Frontex initiated seven joint operations; the next year, the respective figure leapt to 21. See Johannes Pollak, Peter Slominski, “Experimentalist but not Accountable Governance? The Role of Frontex in Managing the EU’s External Borders”, *West European Politics*, 32(2009): 911. DOI: 10.1080/01402380903064754.

Basin, have gained a particular relevance, mostly due to the migration crisis of 2015-2016 and its aftermaths. Inclusionary and exclusionary aspects and effects of joint operations have raised many comments and controversies, fuelled by the variety of Neo-nomadic practices observed, and dealt with, in the EU's extended borderland. As an empirical illustration of these differing stances, two Frontex-led operations are discussed in the following: Joint Operation (JO) European Patrols Network (EPN) Triton and Joint Operation Themis. These two "multi-purpose" operations on the Mediterranean Sea have addressed security concerns caused by the massive, largely uncontrolled and partially criminalised flows of migrants to the European Union.

JO EPN Triton was planned as a border mission aiming to ensure effective surveillance and border control in the Mediterranean region and especially support Italian authorities in protecting Italy's maritime borders from massive irregular crossing by migrants. It was focused on Italy's territorial waters (within a radius of 30 nautical miles from the Italian coast) and not international waters, where the largest number of migrants were exposed to the risk of drowning or death by dehydration. Moreover, due to the limited budget (roughly EUR 2.9 million per month) and modest member states' assets (limited to two surveillance aircrafts and three patrol vessels)<sup>54</sup>, Frontex did not help improve the humanitarian situation in the Central Mediterranean despite the intense communication campaign placing strong emphasis on rescuing migrants from drowning. As Carrera and others explained, JO Triton "did formally engage in SAR [search-and-rescue] as a general obligation under international law, but *only* in the context of border controls and surveillance activities and not as a part of its official mandate"<sup>55</sup>. Although it followed the Italian maritime operation "Mare Nostrum", launched in October 2013, it did not supersede its humanitarian tasks. Only after a tragedy which occurred in the Central Mediterranean on 19 April

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<sup>54</sup> European Commission, "Frontex Joint Operation 'Triton' – Concerted efforts to manage migration in the Central Mediterranean", MEMO/14/566, October 7, 2014, [http://europa.eu/rapid/press-release\\_MEMO-14-566\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-566_en.htm).

<sup>55</sup> Sergio Carrera et al., op. cit. Also: Eugenio Cusumano, "Migrant rescue as organized hypocrisy: EU maritime missions offshore Libya between humanitarianism and border control", *Cooperation and Conflict*, 54(2019): 9. DOI: 10.1177/0010836718780175.

2015, when a Libyan trawler with over 850 migrants aboard sank in the high seas between Libya's coast and the Italian island of Lampedusa, JO EPN Triton acquired a more humanitarian nature. Its mandate was broadened by supplementing surveillance and border protection with SAR activities in a far more extended zone: 138 nautical miles, stretching from the south of Sicily to Malta<sup>56</sup>. Moreover, the technical assets were strengthened and the budget doubled. Its capacity was enhanced with additional assets (offshore patrol vessels and patrol boats) and experts (for debriefing and screening) which increased SAR capabilities in the extended area. This inclusionary shift in Frontex's agent power in the Central Mediterranean was all but unambiguous. According to one British newspaper, Fabrice Leggeri, Frontex's Executive Director, declared some days before the change in the agency's mandate: "Triton cannot be a search-and-rescue operation. I mean, in our operational plan, we cannot have provisions for proactive search-and-rescue action. This is not in Frontex's mandate, and this is in my understanding not in the mandate of the European Union"<sup>57</sup>. In addition, 11 member states did not deploy assets and seconded just a handful of national experts, which contributed to the overall poor equipment and small multinational staff involved in this operation. Repeated serious incidents, causing casualties and deaths, and the growing toll of migrant fatalities<sup>58</sup> mounted pressure on the EU and its border and coast agency. Frontex's Executive Director declared: "According to the mandate of Frontex, the primary focus of operation Triton will be border control, however I must stress that, as in

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<sup>56</sup> Glenda Garelli, Charles Heller, Lorenzo Pezzani, Martina Tazzioli, "Shifting Bordering and Rescue Practices in the Central Mediterranean Sea, October 2013–October 2015", *Antipode*, 50(2018): 816–817. DOI: 10.1111/anti.12371.

<sup>57</sup> Patrick Kingsley and Ian Traynor, "EU borders chief says saving migrants' lives 'shouldn't be priority' for patrols", *The Guardian*, April 22, 2015, <https://www.theguardian.com/world/2015/apr/22/eu-borders-chief-says-saving-migrants-lives-cannot-be-priority-for-patrols>.

<sup>58</sup> See *Fatal Journeys Tracking Lives Lost during Migration*, ed. Tara Brian, Frank Laczko Geneva: International Organization for Migration, 2014; Ignacio Urquijo Sanchez, Julia Black, "Europe and the Mediterranean". In: *Fatal Journeys*. Volume 3 Part 2 Improving Data on Missing Migrants, ed. Frank Laczko, Ann Singleton, Julia Black, Geneva: International Organization for Migration, 2017.

all our maritime operations, we consider saving lives an absolute priority for our agency”<sup>59</sup>.

Official data provided by Frontex has shown an impressive record of migrants rescued in JO Triton in the Central Mediterranean. 14,500 people were saved in SAR actions in the first two months of the operation in 2014<sup>60</sup>. In 2015, 155,000 migrants were registered, and in 2016 this number grew to 178,961<sup>61</sup>. In 2017 the number of registered irregular migrants dropped to 119,213<sup>62</sup>. The inclusionary discourse dominated in Frontex’s official statements, press releases and factsheets concerning JO Triton<sup>63</sup>. The rhetoric of humanitarian commitments was accompanied by exclusionary narrative of enhanced bordering and anti-crime actions. This is reflected in a report on Frontex’s activities in 2017: “In the framework of the multipurpose Joint Operation Triton 2017, increased patrolling activities on the Eastern Sea areas of Italy and in the Ionian Sea resulted in a seizure of more than 30 tonnes of marijuana and in the arrest of approx. 100 alleged facilitators from the 61 boats that had departed towards Italy from Turkey”<sup>64</sup>. This duality was reflected in the treatment of migrants stranded at sea. Those presenting a security threat were “intercepted” upon border surveillance activity; the others, being victims of human trafficker and facilitators, were rescued as a result of SAR activities<sup>65</sup>. As researchers and NGO activists argued, original operational choices limited Frontex’s proactive SAR undertakings<sup>66</sup>. Rescue activities often entailed criminal in-

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<sup>59</sup> Frontex, More technical support needed for Operation Triton, News Release, October 13, 2014, <https://frontex.europa.eu/media-centre/news-release/more-technical-support-needed-for-operation-triton-IKo5CG>.

<sup>60</sup> Frontex, Annual Activity Report 2014, Warsaw: Frontex, 2015, 15.

<sup>61</sup> Frontex, Annual Activity Report 2016, Warsaw: Frontex, 2017, 81.

<sup>62</sup> Frontex, Annual Activity Report 2017, Warsaw: Frontex, 2018, 85.

<sup>63</sup> See Eugenio Cusumano, *op. cit.*, 10-11.

<sup>64</sup> Frontex, Annual Activity Report 2017, *op. cit.*, 19.

<sup>65</sup> See Frontex, Frontex’ Annual Report on the implementation on the EU Regulation 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders, July 9, 2015, 5, [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/libe/dv/frontex\\_report\\_2014/frontex\\_report\\_2014en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/frontex_report_2014/frontex_report_2014en.pdf).

<sup>66</sup> See Eugenio Cusumano, *op. cit.*; Paolo Cuttitta, “Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean”, *Geopolitics*, 23(2018). DOI: 10.1080/14650045.2017.1344834.

telligence and crime prevention methods and techniques. Frontex officers deployed in JO EPN Triton were assisting member states in screening migrants, collecting personal data and information about migratory routes<sup>67</sup>.

The requirements of maximising and legitimising Frontex's dual agent power augmented the tension between binding international norms of humanitarian law and security interests of the EU Member States, coping during all that time with migratory pressures and asylum claims. Measures to reduce immigration to the EU, particularly by developing and strengthening border protection means, were advocated by member states' governments and the EU institutions. They contributed to the significant reduction of irregular migration and to redirection of main migratory routes, relieving partially the Central Mediterranean area. The deployment of another EU mission, EUNAVFOR MED Sophia, under the Common Security and Defence Policy, as well as NATO's maritime Sea Guardian operation in the Mediterranean Sea gave an additional evidence of politicisation of the EU's extended borderland by securitisation through military and law-enforcement means. Frontex followed this suite and in February 2018 a decision was taken to phase out JO Triton, and replace it by Joint Operation Themis. In words of Frontex's Executive Director, Fabrice Leggeri, "Operation Themis will better reflect the changing patterns of migration, as well as cross border crime. Frontex will also assist Italy in tracking down criminal activities, such as drug smuggling across the Adriatic"<sup>68</sup>. The priorities were clearly set, revealing a decisive shift in Frontex's agent power: from blended inclusionary/exclusionary setting to exclusionary-driven security-oriented venture. In an official communique issued by Frontex, it was pointed out that "Operation Themis also has a significant security component, include collection of intelligence and other steps aimed at detecting foreign fighters and other terrorist threats at the external borders"<sup>69</sup>. Fabrice Leggeri argued: "We

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<sup>67</sup> Frontex, Meet Frontex Officers, March 7, 2018, <https://frontex.europa.eu/media-centre/focus/meet-frontex-officers-iAbzRk>.

<sup>68</sup> Frontex, Frontex launching new operation in Central Med, News Release, February 1, 2018, <https://frontex.europa.eu/media-centre/news-release/frontex-launching-new-operation-in-central-med-yKqSc7>.

<sup>69</sup> Frontex, Operation Themis (Italy), August 19, 2019, <https://frontex.europa.eu/along-eu-borders/main-operations/operation-themis-italy/>.

need to be better equipped to prevent criminal groups that try to enter the EU undetected. This is crucial for the internal security of the European Union”<sup>70</sup>. Although the operational area of JO Themis was extended eastwards, spanning the Central Mediterranean Sea from Italy to Libya, Egypt, Turkey and Albania, the critical for JO Triton region, between the island of Lampedusa and Libya’s territorial waters was largely deactivated. The declaration in June 2018 of a Libyan SAR zone in the Central Mediterranean, fostered by the European Commission which co-financed training of Libyan border guards by Frontex experts, reduced Frontex’s operational activities taking place close to Libyan shores. This had a direct impact on SAR actions, regardless of the official declaration that “Operation Themis will continue to include search and rescue as a crucial component”<sup>71</sup>. However, it was made clear that: “One of the main differences between Joint Operation Themis and its predecessor, Triton, is that Themis’s operational plan does not foresee a specific disembarkation point and that the operational area in the central Mediterranean has been reduced”<sup>72</sup>. Therefore, Frontex was no longer requested to support SAR activities close to Libyan shores. As part of JO Themis, Frontex officers assisted the national authorities in the hotspots in Italy in the registration of migrants, including screening, debriefing and fingerprinting. Since the mandate of the operation covered the collection of intelligence about criminal networks and identification of people smugglers, debriefing of officers deployed by Frontex acquired intelligence about people-smuggling networks and other suspicious criminal elements<sup>73</sup>.

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<sup>70</sup> Frontex, Frontex launching new operation in Central Med, News Release, February 1, 2018, <https://frontex.europa.eu/media-centre/news-release/frontex-launching-new-operation-in-central-med-yKqSc7>.

<sup>71</sup> Ibidem.

<sup>72</sup> Frontex Consultative Forum on Fundamental Rights, Sixth Annual Report, 2018, 36, August 14, 2019, [https://frontex.europa.eu/assets/Partners/Consultative\\_Forum\\_files/Frontex\\_Consultative\\_Forum\\_annual\\_report\\_2018.pdf](https://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_annual_report_2018.pdf).

<sup>73</sup> Although the use of intelligence tradecraft in dealing with migrants in hotspots has not been officially expressed by Frontex, we can assume with certainty that this practice has been applied during JO Themis, given the official task of the collection of intelligence and the experience of JO Poseidon Sea, which showed many similarities with JO Themis.

The two joint operations coordinated by Frontex have shown some features typical for the EU's extended borderland. Firstly, any EU agency engaged in operational activities has to take into account humanitarian aspects and security needs. Human and social factors which underpin mobility and transboundary diffusion of identities resonate strongly with policy-driven security imperatives. Secondly, the scale and intensity of Neo-nomadic movements assume a particular expression in the extended borderland, which makes the EU border agency particularly susceptible to politicisation and humanitarian validation of its agent power vis-a-vis migrants' trajectories and borderlanders' lifestyles. Thirdly, Frontex has tended to security-driven activities not only because of its politically-established formal mandate but also in reaction to negative consequences of unrestrained mobility and largely uncontrolled migratory flows in the extended borderland. Hence, exclusionary attitude to migrants has resulted from an intelligence-led threat assessment and security concerns over an escalation of the migration crisis.

## 5. CONCLUSIONS

The eruption of neo-nomadic mobility in the EU's extended borderland during the migration crisis of 2015-2016 has brought to light a strong link between regional integration, local identities and emotional (humanitarian) re-actions. It has reflected a simple truth expressed by Rosi Braidotti in 2010: "we have to stop looking at immigration as a problem and see immigration as simply the fact of globalisation. We have to start from the fact that the world will never be culturally and ethnically homogenous again: that world is over"<sup>74</sup>. Developments in the Central Mediterranean part of the EU's borderland have shown how challenging for the EU institutions, and especially the EU's relevant body in charge of border management, namely the European Border and Coast Guard

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<sup>74</sup> Sara Saleri, On nomadism: Interview with Rosi Braidotti, July 15, 2019, <http://dancekiosk-hamburg.de/uploads/European%20Alternatives:%20On%20nomadism%20Interview%20with%20Rosi%20Braidotti%20-%20George%20Maciunas%20Foundation%20Inc..pdf>.



Agency, the dynamics of overall mobility and specific traits of neo-nomadism can be. Frontex's agent power had to split into exclusionary and inclusionary elements which stimulated the emergence and functioning of the post-functionalist mobility ecosystem that had emerged with the rise of the migratory tide in the early 2010s.

Frontex as a security actor has been exposed to numerous, and quite often contradictory, pressures from the EU Member States, public audience and NGOs active in SAR operations. The two joint operations at the Mediterranean Sea, Triton and Themis, have proven that the consequences of neo-nomadism have extended beyond the EU's external borderland and activated defence mechanisms in the EU and some of its Member States. Therefore, a shift from the mixed inclusionary/exclusionary character of Frontex's agent power to the clearly exclusionary ingredients of the agency's activities has proven that the management of security in the extended borderland, in accordance with the post-functionalist interpretation, has produced an imbalance in working out and implementing efficient and politically feasible solutions to the problem of the migratory crisis. In addition, Frontex has been gradually tasked with law-enforcement activities, which stem from the security policy improvement technique of treating neo-nomads as potential criminals (the crimmigration effect, or the crime-migration nexus)<sup>75</sup>. As a result, Frontex has deployed and developed supranational surveillance mechanisms and police cooperation schemes which have made this agency resemble a law enforcement institution<sup>76</sup>.

The EU's extended borderland has become a test bed for Frontex's agent power in terms of its capacity to effectively cope with Neo-nomadic mobility and diversity. The nomad space stretching across the Mediterranean Sea, distributed among state actors, humanitarian NGOs and itinerant communities, has produced numerous challenges and demanding tasks for the EU's border agency. Frontex's resources have been employed

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<sup>75</sup> Katja Franko Aas, "Crimmigrant' bodies and bona fide travelers: Surveillance, citizenship and global governance", *Theoretical Criminology*, 15(2011): 333. DOI: 10.1177/1362480610396643.

<sup>76</sup> Fabrice Leggeri, Frontex's Executive Director, declared in February 2018: "I would not object if you define us as a law enforcement agency at EU level." Quoted in: Nikolaj Nielsen, Frontex: Europe's new law enforcement agency?, *EU Observer*, February 22, 2018, <https://euobserver.com/justice/141062>.

both for surveillance and early warning at the external borders as well as reactive actions in the face of criminal activities. The latter aspect of Frontex's agent power needs a separate analysis. It must be mentioned here that the EU's border and coast agency may be authorised to use coercive means, including weapons, subject to specific rules of engagement. Some documents have been made available, as a result of information requests, accidental releases and leaks, evidencing incidents involving the use of firearms during Frontex-coordinated joint operations. Due to the public security clause, usually employed in order to justify the classification of relevant documents or their parts, a factual record of the use of force, being a radical aspect of Frontex's agent power, has been made unavailable so far.

The modes of enforcing by Frontex its agent power, seen during its joint operations in the Mediterranean "extended borderland", have proven its aspirations towards performing an essential role in the EU's efforts to handle the Neo-nomadic mobility which erupted during the migration crisis of 2015-2016. A further extension of Frontex's powers, already planned by the European Commission<sup>77</sup>, should be closely observed in the context of the transformation of the EU's border security strategies and policies.

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<sup>77</sup> See: European Commission, Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council, Brussels, COM(2018) 631 final, September 12, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52018PC0631>.

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